

# HONESTY's best POLICY;

O R,

## Penitence the sum of Prudence :

Being a brief Discourse, in honour of the Right Honourable *Anthony Earl of Shaftsbury*'s humble Acknowledgment and Submission for his Offences, upon his knees, at the Bar of the House of Lords, on the 2<sup>th</sup>. of Febr. 1677.

Together with the several Proceedings of the said Right Honourable House, in order to his Lordship's late Discharge from Imprisonment.

Published for prevention of false Copies, in so weighty a matter, and for the undeceiving of the People.

**M**ine eye was on divers particulars, when first I resolv'd on the publication of these Papers, viz.

1. To give a brief Account of the Condition of this Kingdom, as it stood a little before the E. of S. began to offend.

2. Of what nature his Lordship's Offences were when they began, and the dangerous Consequences of them.

3. The high Wisdom and Justice of His Majesty and the House of Peers, in doing right to Themselves, and to the whole Body of Parliament, by preventing the Dangers then threatening Them, and the whole Government, in point of Safety.

4. The necessity of setting forth some Discourse of this nature, together with the Proceedings of the House: that the minds of such of His Majesties Subjects as have been intoxicated and perverted through the Offences aforesaid, and are not yet recovered, may be rectified from Principles and Doctrines, (both then, and as yet) destructive to this most Noble Monarchy.

5. The Vanity and Fate, at all times, of Popularity and Fashion in great Lords and Country, and of the Peoples being drawn in to a siding and driving of Parties among each other: to second the pretences of Male-contented Great Ones, or the sycophany of the lesser Sort of Government-Tinkers. And that, in this juncture of Affairs, it is the utmost of all Transients to be Factions, when three Kingdoms are at stake in a Foreign War.

6. Considered also, that it can be no dishonour to E. of S. but his glory (as it is of all true Penitents) to have his Repentance published; since it is his happiness to survive in publick, by the King's admirably Clemency, and remain a living Lesson to many thousands of Transgressors from the Error of their ways. His said *Holy Writ*, He that turns many to Righteousness, shall shine as the Stars for ever and ever. How happy then is his Lordship, that hath so fair an occasion thus to improve his Penitence?

7. I observed also, there are a sort of People, that not long ago were as busy as Bees, to publish and disperse at large whatsoever they thought might be for the Honour and Advantage of his Lordship; only now they envy him the glory of the publication of this Ungrateful Wretches as they are, that a Noble Lord, after so much Sufferance of Imprisonment, for a Cause they profess'd to own, should be so ill requited, as to have his Repentance smother'd (as much as in them lies) for want of air. In such case, they either no Copy of it is to be obtained from them, or but a cheap or counterfeit one! Therefore, to do Right to his Lordship, and that the deluded sort of well-meaning People, may not be

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*deprived of the benefit of learning Repentance from his Lordship, with a sight of their Errors, I reckoned it a charitable publick good work, to give them a sight of these Papers. Hon. Col. Q. Maby Denie, it beside him that will think: for I mean well in doing the business.*

The Papers following, being Transcripts of the Proceedings of the House of Peers about this matter, from the 14th. of Feb. 1677. to the 26th. of Feb. 1677.

*Die Jovis, 14 Feb. 1677.*

A Petition was presented to the House from the Earl of *Shaftsbury*, wherein he humbly submits himself to their Lordships pleasure, and is ready to make Acknowledgment and Submission according to their Directions. But in regard it did not appear to this House, that his Lordship hath made his Acknowledgment to His Majesty, after debate, the Question being put, Whether this Petition shall now be rejected? It was Resolved in the Affirmative.

*Die Mercurii 20 Feb. 1677.*

A Petition from the Earl of *Shaftsbury* was presented to the House, and read as follows: To the Right Honourable the Lords Spiritual and Temporal in Parliament Assembled.

The humble Petition of *Anthony Earl of Shaftsbury*,

*Sheweth,*

THAT your Petitioner, on the 16th. of Feb. 1676. was committed Prisoner to the Tower of *London* by your Lordships, because he did not obey your Lordships Order; where he hath continued under close Confinement, to the great decay of his Health; and danger of his Life, as well as prejudice of his Estate and Family.

In all humble Obedience therefore unto your Lordships, he doth acknowledge that his endeavouring to maintain that this Parliament is Dissolved, was an ill-advised Action; for which he humble begs the Pardon of the King's Majesty, and of this most Honourable House, and doth in all humble Duty and Obedience to your Lordships, beseech you to believe that he would not do any thing willingly to incur your Displeasure.

Wherefore your Petitioner, in all humble Duty and Obedience, both unto His Majesty and your Lordships, hath made his humble Submission and Acknowledgment in his most humble Petition unto the King's most Sacred Majesty, and is ready to make his further Submission and Acknowledgment to His Majesty, and to this Honourable House, according to the direction thereof. And he doth most humbly implore your Lordships, That you will be pleased to restore him unto your Favour, and discharge him from his Imprisonment,

*And your Petitioner, as in Duty bound, shall, &c.*

*Shaftsbury.*

This being read, the Lord Chancellor did let the House know, That His Majesty hath received a third Petition from the Earl of *Shaftsbury*, more submissive in form than the two first: But His Majesty understanding that the Earl of *Shaftsbury* hath endeavoured to free himself from the Censure of this House, by appealing to the King's Bench to have their Judgment thereupon, during the late Adjournment, doth not think fit as yet to signify his pleasure as to his Discharge, until this House hath taken that matter into Consideration.

After a long debate hereof, the Question was proposed, Whether an Address shall be now made to His Majesty to discharge the Earl of *Shaftsbury* from his Imprisonment, upon his Petitions to His Majesty, and to this House?

Then the Question being put, Whether this Question shall be put? It was resolved in the Negative.

After

After this, the House considered the matter of the Earl of *Shaftsbury's* appealing from this House to the *King's Bench*, to be released by *Habeas Corpus*; And after debate, it is ordered, That the further debate of this business is adjourned till to-morrow morning, at which time the Records of the Court of *King's Bench*, touching the Earl of *Shaftsbury's* business there, shall be brought into this House; the Judges are also to attend this House.

*Die Jovis, 21 Feb. 1677.*

This day the House resumed the debate concerning the Earl of *Shaftsbury's* endeavouring to free himself from his Commitment by this House by a *Habeas Corpus* in the Court of *King's Bench*. And for the better knowledge of the matter of Fact, the Records of the *King's Bench* were produced; by which it did appear, That two Rules of that Court were obtained upon the motion of the Earl of *Shaftsbury's* Counsel, *Term Term, 1677*, and the Returns thereupon were read; by which it did appear, That the Earl of *Shaftsbury* was committed the 16th of Feb. 1676. by this House for a Contempt; And then the Remittitur of the Earl of *Shaftsbury* to the Tower was also read.

After this, a Petition of the Earl of *Shaftsbury* was presented to this House, and read, wherein his Lordship took notice of an Order of this House of the 20th. instant, for bringing the Records of the Court of *King's Bench* into this House, concerning the matter of the *Habeas Corpus* brought by him, that he takes himself to be greatly concerned, and to have a right to be present and heard when any debate of any new matter against him be entered upon; That he cannot pretend, but that he may have erred for want of a Precedent to guide him; and being deprived of the benefit of Counsel, by reason of his close Confinement, and being resolved not to do any thing willingly which might in the least offend His Majesty, or their Lordships, He humbly takes this opportunity to give further evidence thereof, by casting himself at their Lordships feet: And as he hath humbly begg'd the pardon of His Majesty, so he begs also the pardon of this House, for having offended them in any thing whatsoever.

After a long debate thereof, the House made these Resolutions following.

Resolved and declared, That it is a breach of the Privilege of this House, for any Lord Committed by the House to bring a *Habeas Corpus* in any inferior Court, to free himself from that Imprisonment, during the Session of Parliament.

Resolved, That the Earl of *Shaftsbury* shall have liberty to make his defence, notwithstanding the Resolution and Declaration aforesaid.

*Die Veneris 22 Feb. 1677.*

The House taking into Consideration, when the Earl of *Shaftsbury* shall come to this House, and in what manner, and what shall be said unto him; It is ordered, That he shall be brought to the Bar on *Monday next*, by the Constable of the Tower, or his Deputy; and then the Lord Chancellor shall say unto him to the same effect as his Lordship was directed this day by the House.

Ordered by the Lords Spiritual and Temporal in Parliament assembled, That the Constable of His Majesties Tower of *London*, be, and is hereby required, to bring *Anthony* Earl of *Shaftsbury* (now a Prisoner in the said Tower, for his high Contempt committed against this House) to the Bar on *Monday* the 25th. day of this instant *February*, at 10 in the forenoon; And this shall be a sufficient Warrant on that behalf.

To the Constable of His Majesties Tower.

of *London*, his Deputy and Deputies,

and every of them.

*Die Lane, 25 Feb. 1677.*

Then the Earl of *Northampton*, Constable of the Tower of *London*, acquainted the House, That, in obedience to their Lordships Order, he hath brought the Earl of *Shaftsbury*, who is without, ready to receive their Lordships Commands.

Upon this, the Lord Chancellor desired to know the pleasure of the House, what he shall say to the Earl of *Shaftsbury* when he comes to the Bar; which words were written down, and being read, were approved of.

Then it was moved, That the Earl of *Shaftsbury* might answer (as an Aggravation of his Offence) for some words which he spoke in the Court of *King's Bench*, when he appear'd upon his *Habeas Corpus*, which was conceived to be contrary to the Privilege of this House, and that Witnesses might be heard to prove the same before the Earl of *Shaftsbury* be called to the Bar; but this was left to be as it is, until the Earl of *Shaftsbury* had been called to the Bar, and his Answer received to what he stands already charged with.

The Earl of *Shaftsbury* being brought to the Bar, and having kneeled, the Lord Chancellor said to him as was afore-directed by the House, viz.

*My Lord of Shaftsbury,*

*The Lords have received a Petition from your Lordship, taking notice of the Contempt for which you are Committed by this House; together with the Submission to the Judgment of this House: And while the Lords were taking into Consideration that Petition, there were brought before this House some Records of the King's Bench, whereby it appears, That your Lordship endeavoured by Habeas Corpus to free your self, by the Judgment of that inferiour Court, from the Censure of this. I am to acquaint your Lordship, that this House has resolved and declared, That for any Lord committed by this House to bring an Habeas Corpus in any inferiour Court, to free himself from that Commitment, during the Session of Parliament, is a breach of the Privilege of this House: But withal, their Lordships have likewise resolved, That it shall be permitted to your Lordship to make your full Defence, notwithstanding the Resolution and Declaration aforesaid. And therefore I am commanded to ask your Lordship what you are pleased to say for your self upon the whole matter.*

Whereupon the Earl of *Shaftsbury* answered to this effect.

*My Lords,*

I Have presumed to offer two Petitions to this Honourable House; the first your Lordship mentions, I do again here personally renew; humbly desiring that I may be admitted to make that Submission and Acknowledgment your Lordships were pleased to order: And that after a twelve months close Imprisonment to a man of my Age and Infirmities, your Lordships would pardon the folly or unadvisedness of any of my Words or Actions. And as to my second Petition, I most humbly thank your Lordships for acquainting me with the Resolution and Declaration in that point; And though Liberty be in it self very desirable, and as my Physician (a very learned man) thought, absolutely necessary to the preservation of my Life, yet I do profess to your Lordships, upon my Honour, That I would have perish'd, rather than have brought my *Habeas Corpus*, had I then apprehended, or been inform'd, that it had been a breach of the Privilege of this Honourable House. It is my Duty, it is my Interest to support your Priviledges; I shall never oppose them. My Lords, I do fully acquiesce in the Resolution and Declaration of this Honourable House; I go not about to justify my self, but cast myself at your Lordships feet, acknowledge my Error, and humbly beg your pardon, not only for having brought my *Habeas Corpus*, but for all other my Words and Actions that were in pursuance thereof, and proceeding from the same Error and Mistake.

*Then*

*Then his Lordship withdrew; and after some debate the Question was proposed, Whether Witneses shall be now called in? The Question being put, Whether this Question shall be now put? It was resolved in the Affirmative. Then the Question being put, Whether the Witnesses shall be now called in? It was resolved in the Affirmative.*

There being a Paper made mention of in the House, which was said to be a Copy of what the Earl of Shaftsbury said in the King's Bench, but not permitted to be read; Robert Blaney was called in, and sworn as a Witness; who being asked, whether he was present in the Court of King's Bench when the Earl of Shaftsbury moved for his Habeas Corpus? And whether he heard all that the Earl of Shaftsbury said there? He answered to this effect, That he was present in the King's Bench when the Earl of Shaftsbury was there, and he heard the most part what his Lordship said, but he cannot tell now what he said, but he took some Notes, and that afternoon compared Notes with Mr. Russworth, who also had taken Notes, and thereupon they perfected a Copy which he gave to the Lord Treasurer.

He also says, That he cannot, for a thousand worlds, say that he heard all that is in the Paper; nor he cannot now say what it was that he took, and what it was that he had from Mr. Russworth, it being so long since, by reason of the many Interlineations made in the Paper, by comparing Notes with Mr. Russworth.

*Then the said Robert Blaney withdrew.*

After this, the House agreed what acknowledgment the Earl of Shaftsbury should make at the Bar for his Offences: which, if his Lordship should make, the House would then Declare their Satisfaction in his Submission, and Acknowledgment; The Submission is as followeth:

**I** Do acknowledge that my endeavouring to maintain that the Parliament is Dissolved, was an ill advised Action; for which I humbly beg the pardon of the Kings Majesty, and of this most Honourable House. And I do also acknowledge, that my bringing of an Habeas Corpus in the Kings Bench, during this Session, was a high Violation of Your Lordships priviledges, and a great Aggravation of my former Offence; for all which I likewise most humbly beg the pardon of this most Honourable House.

The Earl of Shaftsbury was brought again to the Bar; and the Lord Chancellor told him, the Lords had prepared a particular Acknowledgment, which the House expected he should make, and read the same to him. And the Earl of Shaftsbury made the said Acknowledgment in these words, viz.

**I** Do acknowledge, That my endeavouring to maintain that the Parliament is Dissolved, was an ill advised Action; for which I humbly beg the pardon of the Kings Majesty, and of this most Honourable House. And I do also acknowledge, that my bringing of an Habeas Corpus in the Kings Bench during this Session, was a high Violation of Your Lordships priviledges, and a great Aggravation of my former Offence; for all which, I likewise most humbly beg the pardon of this most Honourable House.

*His Lordship being again withdrawn.*

**I**T is Ordered, That the Lords with the white Staves now present, wait on His Majesty, to give his Majesty an Account, that this House hath received Satisfaction from the Earl of Shaftsbury in the matter of the Habeas Corpus, and the other Contempt, for which he stood imprisoned; and are humble Suitors to His Majesty, That he would be pleased to discharge him from his Imprisonment, And that their Lordships do acquaint the House to Morrow what they have done in this matter.

*Ordered, that the Earl of Shaftsbury be in the mean time Remitted to the Tower.*



Die Martii, 26 Feb. 1677.

The Lord Treasurer Reported to the House, That the Lords with the white Staves, according to the Order of this House, have attended His Majesty, to give His Majesty an Accompt, that this House hath received Satisfaction from the Earl of *Shaftsbury* in the matter of the *Habeas Corpus*, and the other Contempts, for which he stood Imprisoned; and are humble Suitors to His Majesty, That he will be pleased to Discharge him from his Imprisonment; To which His Majesty was pleased to give this Answer, That He will give Order for the Earl of *Shaftsbury*'s Discharge.

Now that you have perused the manner of the Earl of *Shaftsbury*'s Deliverance out of the Tower, I shall, for Illustration of the Great Clemency of His Majesty, and of the most Noble House of *Peers*, pursue my purpose signified in the beginning, upon the enumerated Particulars, that the Government of this Monarchy may not lose the benefit which may be improved out of an Accident of State so memorable, and so necessary to be remembered, for Prevention of the like in future.

I shall give an Account of the peaceful condition of this Kingdom a little before the Earl of *Shaftsbury* began to offend.

His Majesty before that time, had enjoyed as calm and quiet a Reign, as could possibly be imagined to have been had, in the midst of a Nation so divided into various Opinions: A Reverence was paid to his Government by the Parliament *Nemine contradicente*; And it was a much more comfortable Season for all His Great Officers, and others intrusted with the Management of Affairs under him.

The Publick Purse was frankly open'd to Him upon all occasions, without grumbling or delay; and the hearts of men were (in the best sence) Simple, Open, and Chearful, in their Sentiments about all his Royal Purposes and Proceedings. Fears and Jealousies were confined in the breasts of those only who never loved him, nor his Government; and those Fears never shifted their Quarters among the Factions, to take up new ones in the Old Royal Party. The House of *Peers* was as the Temple of Old; Not an *Ax*, nor a Hammer, no Noise was heard there; Nor were the Waters of the Sanctuary there troubled, nor any of the Vessels of it exposed to Scorn, nor any of its Utensils, nor Offices, in danger of profanation: But all things went smoothly there.

Next, As for the House of *Commons*; I may say much to the same purpose in the like strain, for its wondrous Quiet and Calmness for Twelve Years together, before the time of the said Earls Offences; its admirable harmony and consent among themselves, as well as its unparallel'd Loyalty, Liberality, and Duty to the King; the great assurance of mind they shewed all along about his Majesties Royal Intentions towards the Securing of Us against *Papery*, and in the Enjoyment and Confirmation of our Legal Rights and Liberties. What a mutual confidence was there betwixt King and Commons! So those secret Snakes that were crept into the Common Hedge, durst not so much as peep forth a head, to shew either their Factions, or hissings, against the Wisdom and Conduct of him or his Ministers. And who, I pray you, was more Triumphantly transported to behold those happy days, than this Penitent Earl? When being exalted in the bright Orb of Chancellor, he most worthily proclaimed before both Houses, Anno 1672. A publick Praise and Blessing to the Almighty, that he hath given us such a King; That while War and Misery rages in our Neighbour's Countries, our Garments are full, and no complaining in our Streets; So that a man can hardly know there is a War.

Let God be blessed that he hath given this King signally the Hearts of his People, and most particularly of this Parliament; who in their Affection and Loyalty to their Prince, have exceeded all their Predecessors. A Parliament with whom the King hath

hath lived many years with all the Care of a happy Marriage. How the King had a Concern? you have wedded it. Has his Majesty wanted Supplies? you have readily, cheerfully, and fully provided for them, you have relied upon the Wisdom and Conduct of His Majesty in all His Affairs. So that you have never attempted to exceed your Bounds, or to impose upon him, — On the other side, He hath been so tender of you, that He hath upon his own Revenue and Credit, endeavoured to support even Foreign Wars, lest he might become uneasie to you, or burdensome to His People. I can assure you, 'tis as impossible for the King to part with this Parliament, as it is for you to depart from that Loyalty, Affection, and Dutiful Obedience you have hitherto shewed towards him.

Let us bless the King, for taking away all our Fears, and leaving no Room for Treacheries, for these Assurances and Promises he hath made us. Let us bless God and the King our Religion is safe: That the Church of England is the Care of our Princes; and that Parliaments are safe: What more hath a good Englishman to ask, but that this King may long Reign; and that the Triple Alliance of King, Parliament and People may never be Dissolved.

What more eloquently and truly could have been said, than was said here in short by our noble Penitent, to set forth the happy peaceful Estate and Condition of this Kingdom? But note the time, it was in the year 1672. that all was well; that the King had the hearts of his Parliament and People: So that they were like Man and Wife, 'tis was impossible to part or Dissolve them: that the Parliament kept within their Bounds, meddled not with the Affairs of his Privileges, nor imposed upon him, being confident of his Wisdom and Conduct; and not kept out of Tune with *Parliament and People*. Religion, Church, Parliaments, Properties, Liberties, all was safe in that Golden Year 72. And his Lordship having thus generously done the King all that he could, had reason to believe himself safe too.

II. Having seen in what a peaceful happy state all things were before the Earl of Shaftsbury's Offending, 'tis meet that in the next place you should see what the Offences were when they began, the tendency and dangerous Consequences of them; that others may be converted, who through bad Doctrine have been corrupted, and are like to be damned for the future.

Ingenious men are so have quick Motions, and Emotions of mind into Acts; and by this means oftentimes a sudden Turn of their Minds and Fortunes, even to the tossing of all things Topple-turvy in a fit of ill humour. It was (you see) but in 72. That his Lordship had nothing to find fault with at Court; how it hapned presently after this, that he was commanded to render up the Great Seal and Office of Chancellor, it nor here to be discoursed, let it suffice to know, That it was in the very next year 1673. that it was done, and his Lordship laid aside; and 'twas no part of my business to meddle with the Causes that occasioned it, because my desire is rather to cherish him in his Repentance, having often long'd to find him in so good a humour. It is for me only to give a few Observations about the Affairs which preceded his Lordship's departure from Court, while he was a prime Man in the Councils of His Majesty which have since been made the Subject of many a loud Clamor by the *Faction Party*. Some Observations also I shall make of divers particulars, pointing out to you how, as soon as his Lordship went out, the World also it self was troubled, and began to grow out of Order. Perhaps it hapned so, because his Lordship went out of Office, his great Wisdom and Conduct not being any longer at the Helm. A Pair of our own Fancies the Frame of the World to be bolted together with a small Pin or two; if that be put out all falls to pieces: therefore when he brings in Castles in the Third Act, in a great chase,

hate, because himself was rejected, and *Cicero* chosen *Consul*, he makes him this verse himself, in a *Jefty Row*.

*Repulse upon Repulse?*

*Oh that I could reach the Axle, where the Pins are,  
Which bolt this Frame, that I might pull them out,  
And pluck all into Chaos with my self!*

So that you see, if but a *Pin* or so be out, all falls into Confusion, if there be any Truth in *Poetry*. And it may be this was our Case, Who can tell? For, *Poets* have unluckily *Hiss* many times, as well as *Politicians*. So have *Historians* too? For the *Record-keeper*, (or *Recorder*) of the *Faction*, I mean the Author of the *New Directory for Petty Statesmen*; that is to say, *The Account of the growth of Popery and Arbitrary Government*, &c. Reporteth to us, that the present Lord Chancellor, another *Cicero*, came in his Lordships Place before the end of 1673. as the former *Cicero* came into that which was aim'd at by *Cassius*.

And then the *Golden times* before, and in 72. being gon, the *Iron age* came on. But I must return where I left.

As to my Observations about the Affairs preceeding, in a Lordships avoidance from Court, I find the aforesaid *Recorder* hath been very punctual to record them; and one may well think he is not like to say any thing in prejudice of his Lordship, because I perceive in page 44. of his Pamphlet, he seems as if he would speak like a Friend of his; and says, the Parliament having met the 5th of February, 1672. prepared an *Act*, by which the *Papists* were obliged to pass through a new State-Burgatory, so become capable of any publick Employment; and that the Earl of Shaftsbury, then Lord Chancellor of England, Engaged in favour of the said *Act*, and of the Protestant Religion, that it cost him his Place, and that it was upon this occasion that he was laid aside.

My Lord being now a *Penitent*, I would not upon any terms say ought in prejudice to him, by telling what the Occasions and Causes were, that he was laid aside. But appearing against *Popery* could not be the Cause, because it is known there had been many years before, as great an out-cry among the *Faction* Party against *Popery* and *Popish* Counsellors, and yet it never appeared all along those times, that ever his Lordship appeared against, or thought of any such matter: for had there been any Cause for it, can we think that a Lord so Pious and Zealous of Religion would be guilty of concealing it, and have stood still and look't on, while it grew up in the fair *Sun-shine* of all his good Offices? Sure, it could not be; and the *Recorder-keeper*, in this instead of being a Friend to him, speaks worse than an Enemy. Besides, you may remember, his Lordship himself in his fore-cited Speech to both Houses gives him the lye, having therein told them and all the World on the same 5th of February, 1672. That we were to bless God and the King, that the Church of England was then the Kings Court; and that our Religion was safe; by consequence, then what needed his Lordships Defence of it by a New *Act*? Or how can it be thought the King would turn him out, for defending what His Majesty Himself had under Care to preserve? These things do not hang together: And yet the *Recorder*, in his following words, in the same page, will needs become his Lordships Friend again and says, that his Lordships Defence of the *Act*, &c. did not only cost him his Place, but was the moving Cause of all those Misadventures and obloquy, which his Lordship afterwards lay (ABOVE us) Under.

I will not say *Dignum patella Operculum*.

What a lucky Defender and Advocate is this for his Lordship! I mean rather an unlucky; That he, who in a Treasonous Libellous Pamphlet, industriously now spread

and



add dispersed into all hands about the Kingdom, to rail down both *Houses of Parliament*, his Royal Highness, all the High Officers of State, the Kings Privy Council, the Principal Secretaries, all the Judges, all other Officers of the Government, and the Court itself, and then concludes all with a vile Jeering, Carols of His Majesty Himself, should in the Game Book appear to be a Trumpeter of his Lordships Vindication and Praise. It looks ugly; but far be it from us, to think that there is any understanding betwixt him and the Author. 'Tis only his Lordships ill Luck, that in divers other like Pamphlets the *Knaves* have been so bold as to commend him: and who can help it?

And yet on the other side, the *Recorder*, to serve the *Faction*, makes it part of his business to reckon up before 1673, while my Lord was interested in the Councils at Whitehall, as many Faults (as he supposes) in the Government, as afterwards when his Lordship was gone. This is indeed a great Fault in Mr. Recorder, to let things drop that reflect upon so good a Patriot, as well as upon Whitehall. For besides *Roman Idolatry* and *English Slavery*, he rails at Compliance with the *French*, War with the *Hollander*, breach of the *Triple League*, shutting up the *Exchequer*, in the Councils whereof before 72, my Lord's *friendship* was no stranger, and as forward as any man, and he reaped the benefit as cleverly. For they can tell at Sir Robert *Viner*, who in probability it was that knew of that of the *Exchequer*, forasmuch as Sir *Roberts* Servants remembered afterwards, and smiled to think, that his Lordship a few days before the shutting it up, was so wise as to call in 3 or 4000 *l.* out of their hands, for his Lordship is wont to do all things with very good Consideration. Besides, he hath been so boldly generous, as to justify all the rest of the foregoing Particulars, which are raised at by the *Recorder*: For in his formentioned Speech on the 5th of Feb. 1672, to both Houses as *Chancellor*, he told them, that as to the point of Popery having been designed, it was a great Calumny [*His Majesty having so fully vindicated Himself from that Calumny concerning the Papists, that no reasonable people can be made by any good man. And the Church of England, and all good Protestants, have reason to rejoice in such a Head, and such a Defender. He was born and bred up in it: It was that his Father Dyed for. We all know how great Temptations and Offers he resisted abroad, when he was in His lowest condition: and He thinks it the honour of His Reign, that He hopes to leave it in posterity in greater Lustre, and upon firmer Ground than ever Answerer over (see it.)*] Those very words were a part of his Lordships Speech in 72, and may serve for Answer to the Scandal of any design for *Roman Idolatry*. Besides, as to the Fear of *Englands Slavery*, you had his Word and Engagement in the last page of the Speech, *That our Properties and Liberties are safe.*

Then, as to the breach of the *Triple League*, the War ensuing with the *Hollander*, and compliance with the *French*, and the *Black-heath Army*, which are the Scandals mightily handled about by the *Recorder*, and all the *Faction* ill-willers to His Majesty, hear also the Report of His Lordship, the good Patriot, while he was at the Helm, and in all the most intimate Passages of the Cabinet, so that not a *French* Mouse could wagged there without his knowledge, to the hurt of *England*, and he justifies all the Councils to the height concerning those Matters. For in several pages of that Speech of his, viz. the 6, 7, 8, 9, 10, and 11, you will find things to have been thus, He takes off the imputation of that War, and of the breach of the *Triple Alliance* from the Counsellors and Counsellors of the King, and chargeth it wholly upon the *Hollanders* themselves, that they broke first, for that [*Besides their denying His Majesty the Honour of the Flag at Sea, they disputed His Title to it in all the Courts of Christendom, and made great Offers to the French King, if he would stand by them against Us. At this Season, our King and his Ministers had a hard time of it, and lay every day under new*

*Obloquies.* Sometimes they were represented as selling all to France for money to make War: Portsmouth, Plymouth and Hull, were to be given into the French hands for Cauton. The next day, news came that France and Holland were agreed: Then this Obloquy was turned from Treachery to Folly; The Ministers were now Fools, that some days before were thought Villains; For, if that Conjunction had taken effect, then England had been in a far worse Case, because the War had been turn'd upon Us. But both Kings knowing their own Interests, resolv'd to joyn against them, who were the common Enemies of all Monarchies, and I may say, especially to ours.] These are his own very words. And as he charges that War, and by consequence the breach of the Triple League upon the Hollander, So he takes off the pretended Scandal of it from the King, and his Ministers, and lays it upon the Parliament, also as well as the Dutch, saying in the same Speech openly to both Houses [You judg'd aright, that at any Rate Dylenda est Carthago, that Carthage was to be destroyed; that is to say, that the Dutch Government was to be brought down.

And therefore the King may well say to you, 'Tis your War. He took his measures from you, and they were just and right Ones. And if after this you suffer them to get up again; let this be remembred, the States of Holland, are Englands eternal Enemy both by Interest and Inclination.] By these words our Factions ill-willers may see, to the Confusion of all their Slanders against the King and his Ministers, and his Counsels about the several particulars aforementioned, how fairly and prudently things were carried at *Whitehall* concerning them. Only one Point more is to be cleared, that is the *Black-beath Army*, a thing much babbled about as a Grand Bugbear by the same Generation, and a black Business to this day. My Lord will do this for us too. Those few Forces which some will needs call an Army, during the Dutch War, were (if I forget not) to have been made about 6000. to have been sent to make a descent upon some part of *Holland*, and were rendezvou'd at *Black-beath* for that design. O, but there was more in it! the Commander in chief was Monsieur *Schemberg* a French man. What then? But he was a Protestant also, and judg'd fit for that Work. In answer to this, let me mind you what the King himself said in his Speech spoken the same day before the Earl of *Sheshbury* began his; His Majesties words were: [There is one Jealousie more that is maliciously spread abroad, and yet so weak and frivolous, that I once thought it not of moment enough to mention; but it may have gotten some ground with some well-minded People: And that is, that the Forces I have rais'd in this War, were design'd to control Law and Property. I wish I had rais'd more Forces the last Summer, the want of them then convinces me, I must raise more. But I conclude with this Assurance to you; That I will preserve the true Reformed Protestant Religion, and the Church, as it is now established in this Kingdom, and that no mans property or Liberty shall be invaded:] You see the Jealousies rais'd about those Forces the King slights, as a frivolous piece of Malice; hardly worth mention. But however gives all Assurance for Religion, Liberty and Property. And as for my Lord, he in page 13th of his Speech, calls it a Jealousie foolishly spread abroad of the Forces the King had rais'd in that War: And he saith, It was so great an Error in the King, not to have rais'd more Forces at that time, that nothing but the true Reason, want of Money, could have justify'd the defect in the number of those Forces, And then as to the blame of their not doing the work that they had been rais'd for; his Lordship answers, that the preceding Summer was a miracle of Storms and Tempests, such as thereby secur'd their East India Ships, and protect'd their Sea-voyages from the descent design'd by those Forces. And if you will not believe so Noble a Patriarch as his Lordship about these matters, then go on to report and scatter your Scandals, till

your

your throats grow hoarse and sore with reporting, and became as incurable as your *Factions*. Nevertheless, with men not madly obstinate, these Evidences ought to pass, that there were no such great Offences in *Whitehall*, nor in his Lordship neither, in the years before 1673.

Now for the other part of my *Observations* in and after 1673: Divers great Offences grew up from time to time to put the World much out of Order; And verily these should not be repeated, were it not of so high importance for Publick Service, to prevent falling into the like again, and to restore the minds of such as are fallen.

Never was more work done to put a Nation out of Order, in so little time as two or three years considering the good and happy condition it was in by his Lordships own Confession; for from 73. to 1676: was no long space, and by that time, his Lordship had taken up Lodgings in the *Tower*. It seems as if he bestirred himself to purpose, and began betimes to offend, because notice was taken presently after a Court of his Lordships behaviour, insomuch that it is said he was forbidden coming to Court; But to be even with them for this, and for other purposes, he took heart and bled as fast as he could into the City, with Resolution to become a Citizen, and trod the *Exchange* as a Merchant, and as constantly as any, being then to drive a great Trade in small Wares of *Popularity*; how it came about you may guess, but as to a Common place for all People, there flockt the *Factious* of every *Faction*: Soon after this, Clubs and Committees of good Fellowship and Sedition were erected, and there all, and more than all the Infirmities of Court, and Errors of State, were Arraigned, and Condemned. The *old Serp* also, want of Trade, was rubbed, and the only Remedy resolved on, *viz.* The removing of *Evil Counsellors*, and a crying down *France*, *Ministers of State*, and *French Pensioners*, *Arbitrariness*, and *Property*: yea, all that was not at Court, was to be brought on the Stage, and the *Bishops* too, and to be stript of their *Lawn-sleeves*. Oracles likewise were given out, to be delivered in Common Council at *Guildhall* by Mr. *Jones* and his fellow *Wissacres*, and Orders issued out for a general Muster of *Grievances* against the Session of Parliament; besides many a costly Dinner, and deep Potations, for the putting as many Members as they could out of their Senses. There the Contrivances were first set on Foot, to Institute *Offices of Intelligence*, to *coyn News* for the *Coffee-houses*; and an *Academy* for inventing *Seditious* and *Treasonable Pamphlets*, with Directions how to Print and Spread them, to edifie both City and Kingdom into an Oblivion of their Allegiance, and a belief of meer Inventions; that so they might be rendered tractable towards any design of their *Faction Leaders*, and for the quickning of a diligent Correspondence of their *Country-Agents*, with the supreme Council of the *Directors* at *London*. These were the blessed fruits of the Years 1674. and 76. I am far from charging his Lordship with any of them; but I may only observe, that all these beginnings of Disorder follow'd his Lordships laying aside at Court, and were the unhappy *Consequents* in time of his Courtship in the City.

After a while, ill humours, like *ill Weeds*, grew so fast, that now they began to think themselves both powerful and skilful enough to *play a Prize* in Parliament: and therefore seeing the Memorable Session of 13<sup>th</sup> of *April*, 1675. was at hand, they provided their pranks so to play, that the Parliament should not be in Condition to do any work, but both Houses only embroil one another with hard Speeches, and *Disputes about Priviledges*, &c. and thereby being in no capacity to make dispatch of Publick Business, be readred altogether impracticable and unuseful to the King and Kingdoms pressing Occasions. This device was driven high, and with heat for an artificial blowing up of this Parliament, because the *End* of it was to induce upon the King a necessity of calling a *new One*: in this Point entered all the *Crafty Masters* of

every *Male-contented Party*, as the grand *Medium* where'n they could agree against the present Establishment of the *Court*, and *Covenant both of Church and State*, because each Party having prepared men to serve it self, by new Elections, doubted not but so plausible a Plea as a *New Parliament*, would easily take place and afford every one the advantages they hoped for by a Change. His Majesty and His Council, and the Parliament, soon smelt out the desperate meaning of this *Privy Conspiracy* under cover of so *publick a Plea*, and the *Faction* was soon made to understand, that their *Plot* was understood; and that *Crafty Tricks*, with Loud *Popular Clamors*, and Long Speeches of their Correspondents in Parliament, with other Machinations under the Sacred Shelter and Claim of *Free speaking*, and Priviledge, was no honest *English* way to bring on *New Parliaments*; the Law having left it wholly to the Judgment and Power of the King, who hath at all times had a willingness to call one, as soon as the Publick work lying before this Parliament can be finished, and the Heats, high Cants, and Traiterous designs of Factions to make an uproar, can be evaporated.

The working of all these Evils, was plainly seen so soon as in this *April-Session of 75.* to be the wretched effect of those Principles and Doctrines of State, which by the care of the *Conspirators* had been most industriously spread in Prints and otherwise, for Poisoning the Opinion of City and Countrey about the King and His Parliament, and the Government, all exposed for a subversion.

Some Noble Lords, at that Season, reflecting on their own Allegiance, and Obligation to prevent this, brought into the *House of Peers* a Bill, in which was that *Oath* so much clamour'd at, called the *Oath of Test* or Tryal; conceiving it would be a good security to Church and State, if men thereby renewed their Allegiance. It seems the *Plot*, after the Rate of 1641. was so forward, that the *Master* of it were touched to the quick, and feared th's *Oath* would touch too home also upon their *Proselytes*, who by it were to swear down the Principles and Doctrines of 41. which were now again to be made use of, such as allowed of taking *Arms against the King* upon Parliamentary pretences, and by *His Authority against His Person*, and of making *Alterations, without Him, in Church and State*.-----If the Book called *A Letter from a Person of Quality to his Friend in the Countrey*, published this year 75. be of any Credit, it hath these words in page 9. That the Earl of Shaftsbury was the man in the House, that opened at large the *Mischievous and ill Designs (as he calls it)* and *Consequences of the Bill*, and convinced many other Lords into a humour of *Protesting* against the Bill. Now the design was *bare-faced*; And because the Church was to have been alter'd as well as *State*, therefore, he who will believe that Book, may if he please, when as in 20. and 21. and 22 *pages*, it saith, That his Lordship spake things in disgrace of those old repositories of the Doctrine and Discipline of the Church of England, the 39 *Articles*, the *Liturgy*, the *Catechism*, the *Homilies* and the *Canons*. And I am sure the same Book, which condemned these, and vilified the *Bishops* too, bestows very high commendations of his Lordships Parts, Pains, and Labour about these matters: which, to the praise of his; and some other mens *Lungs*, took up the *House of Lords* with a debate of Sixteen or Seventeen whole days together, the House sitting many times till Eight or Nine a clock at night, and sometimes till midnight. However, they could not save the Book which makes report of this Noble Prize, from being, by Order of the *Peers*, burnt by the hand of the *Hangman*. And indeed it well deserved so, because it charged the main stress of the Debate upon the shoulders of his Lordship; though the *Author* wrote as if he had been his Friend, by reason of the immoderate Praises that he loads him with in divers places. 'Tis an unhappy thing, and looks ill, that his Lordship should have such dangerous Friends as deserve Execution by the *Hangman*: for

what

what pettifoever the fore-going Author may have fallen short in, another Author endeavours to make up, who seems a Friend too of his Lordship, by an excess of praising him for the opposing of that Oath, as may be seen in page 17, 18, 19, 60, and 61, 62. of that Author, whom a little before we named the *Record-Keeper*, or *Recorder of the Faction*; that is more plainly, the Author of that most Villainous Book Entituled, *An Account*, &c. in the 61 page, whereof are these very words [It might be injurious where all of them did so excellently well, to attribute more to any one of those Lords than to another, unless, because the Duke of Buckingham and the Earl of Shaftsbury have been the more reprobated for this brave Action, it being requisite by a double proportion of praise, to set them true on equal terms with the rest of their Companions in Honour]. And in page 62. He glorieth in these words concerning the Issue of these doings: [That by this means the Test Dyed, and the Matter in conclusion was so Husbanded betwixt this business, and the business of Dr. Shirley, and Sir John Fagg, that any longer converse between those two Houses grew impracticable, so that His Majesty was necessitated to Prerogue them till the 13th of October, 1675. following] Let the World judge then to what height of Crime such mens behaviour doth tend, when it must puzzle the most exquisite Politician to distinguish in point of Treason, betwixt a *Frustrator* and a *Subverter* of the Meetings of Parliament; And so you have seen what Friends his Lordship hath, and if their Prints are so to be believed, you see what he did, and how he did, and how he bestirred himself during that *April-Session* of the year 1675.

Now we pass on to *October-Session* of the same year; and in this it will appear, how the work of publick Disturbance, and of *Frustrating* this Meeting of Parliament likewise proceeded; for, it also came to nothing; but by whose means, let the Reader judge by what followeth in short.

The Parliament being met, the first Artifice of some was, to set on Foot again the late *Quarrel* betwixt both Houses about their Priviledges. In which *Master-piece*, if we may credit a *Speech* Printed in the name of the Earl of Shaftsbury, his Lordship acted a principal part, and it was improved from being a *private Cause* between *Shirley* and *Fagg*, to become a cause of too much concern to the King, the whole Parliament, and Kingdom. Therefore divers Lords argued in their House to lay aside for a while that Cause, as a matter that would revive their Contest with the Commons; and thereby hinder the Kingdoms business of preparing a Navy, and other pressing Affairs and Occasions; and so most of the Lords took for adjourning that Cause for six weeks. But, saith the printed *Speech*, in my Lord Shaftsbury's name, Take heed what you do, and argued these Particulars following:

*That then the Money-Bill for the King to build Ships would be passed.* Oh take heed of that; for though in a another part of the Speech an Out-cry be made of the Crown of the French King, yet no Money ought to be had to prepare by Sea or Land against him. This way of arguing suits well.

*That to lay Shirley aside would be to alter the Constitution of the Government.* Well argued again. *That no Prince ever govern'd without a Nobility, or any Army.* If he will not have one, he must have t'other. Well done to innuinate, as if the King meant an Army Government.

*That the King is King by Law, and by the same Law that a peer man enjoys his Estate.* I thought he had been King by Inheritance; that is, according to Law, and the fundamental Law of the Kingdom supposeth that no Law is able to alter it, Else the Right of the Crown may hap to be without either Palace, or Cottage, by I know not what Law. *That a King governing by an Army, without His Parliament, is a Government that his Lordship owns not, is not obliged to, nor was born under.* This is to set



up a King of Straw, and place him in the head of an Imaginary Army, and then rout him with an insinuating Slander.

That he cannot find that ever the Jesuits or Popish Clergy, only some of our Episcopal Clergy, would Menace us w<sup>th</sup> a Loss of Divine Right. Then the Episcopal are the best Subjects. The English Presbyterian may sit with the other, being the same by Principle, a sort of Protestant Jesuits.

That to say this Family are our Kings, and this Particular Frame of Government is our lawful Constitution, and obliges us, is owing only to the particular Laws of our Country. Well urged in Print: here is scope enough left both for Family and Frame alterations by particular Laws. All our wise men have doct till now, they dream't that the General Fundamental Law of the Kingdom had held both Family and Frame together, that they are miserable by any particular Law whatsoever.

What think ye now? hath not that man a notable shew in his Brains, that could draw all these brave Points out of the Case of Dr. Shirley?

Nevertheless, a shift was made with Shirley's business to make long Speeches, and so inflate the Reckoning betwix both Houses, that no publick buiness being to be done, this Session also was made as unfructueable as Divers foregoing Sessions had been; and the time was drill'd out till the 21<sup>st</sup> of November, 1675. And then the main Intendment for the Destruction, otherwise called a Dissolution, of this Parliament came to light, back't with such Reasons in writing, afterwards Printed, with the Earl of Shaftsbury's and some other Names to them, which no Lord could have so readily and luckily pen'd, as one that formerly had an Acquaintance with the Levellers; the Arguments being all of a piece with theirs in the former times of Reformation in so much that His Majesty finding no good to be done, was forced, for meer shame of our Nation, and to hide it, to put an end to this Session also, the 21<sup>st</sup> of November, 1675. And their sines might have time enough to discover their own Errors. He prorogued them to the 1<sup>st</sup> of February, 1676. In the meantime, no Money having been raised, as the King earnestly had desired of them for building of Ships, and other Preparations for War; but set the Saddle upon the right Horse, or lay the Bear at the right door, and rail not at them for not doing what was contrived, and made impossible for them to do, by with-holding Money from them that should have done it: which timed them and the whole Nation in such manner, that they could not make one step towards it. And this is the true Reason why we lost so much time, and are so behind hand and backward at this day.

Nevertheless, the much long'd for 1<sup>st</sup> of Feb. 1676. being come, the King, as if He had forgotten all Faults, and Injuries of the former Session, (such is His marvellous Clemency and Patience) opened this with a Speech of a most obliging Nature, such a one as was a wonder, Considering what Provocations had been put upon Him, and His Government in the interval of the Session, by the many most pernicious Books and Pamphlets which had been spread by the Faction into all parts, to inflame and prepare the People for new Commotions (if it might be) to disturb Him this Session also, and Dissolve the Parliament; in which work of Dissolution the Earl of Shaftsbury, at the Houses sitting (you know) was prime man in appearing; to the utmost of his endeavour.

As for the King, He in His Speech to both Houses, to hope to reconcile all differences, breath'd forth nothing but sweetness, kindness, and high Reason. He told them, That after a long Privation, He had given them the Opportunity to repair the Misfortunes of the former Session.

That after a long Privation, He had given them the Opportunity to repair the Misfortunes of the former Session.

That if they fell into the like Differences now again, which from men had so unprofitably managed and improved between them, it would be enough to hurt them withal all mase.

That His Majesty Himself was resolved it should not be his fault, if they were not made happy by their Consultations in Parliament.

That he came prepared to satisfy them in all things, for securing our Protestant Church and Religion, that may be reasonably asked, or can consist with Christian Providence.

That he was ready to do all things that might gratify them in his further serving of Liberty and Property.

That then he leaves all the World to judge, who is most for Arbitrary Government, they that favour such Differences as equal to dissolve all Parliaments, or he that would preserve This, and all Parliaments from being made useless by such Differences.

That if the good ends of Government, and the necessities of it, happen to be further disappointed, he called God and men to witness that day, that the misfortunes of that disappointment shall not lie at his Door.

To all which excellent particulars, my Lord Chancellor in his Speech added many more, too large to repeat here; only our Lord must remember, that it would be somewhat strange, and without all example in story, that a Nation should be quite rational and wise, by the self-same way and means, the same Fears and Jealousies.

But all this was but *Sarda comere*; what was to be done was before-hand resolved on; The Difference in the House of Peers, and the Tragic Comedy began thus, as the Recorder of the account of the growth of Popery, &c. (pages 71, 72.) presents it, (which Book, being now in the hands of the House of Peers, deserves their most severe Inquisition;) For he saith, The Duke of B. (one who usually says what he thinks) argued with great strength of reason, that this Prerogation was null, and this Parliament consequently Dissolved. But other Lords moved, That for this the Duke ought to be called to the Bar. So that (saith he) the Earl of Shaftsbury had opportunity to appear with such extraordinary vigour, in what concerned both the Duke of B's Person and Proposal, that as the Duke of B. might have stood single in any rational Cause, so the Earl of Shaftsbury was more properly another Principal, rather than his Second.

What a virulent Scribe is this Recorder, that an ill Comest cannot arise in Parliament, but he still brings in my Lord Shaftsbury as a main man, a Beginner, or a Promoter of it! If he was so, the greater then ought to be his Lordships Repentance all the days of his life; otherwise, though he hath done it at the Lords Bar, there is yet a Superior Bar hereafter, which he must one day give an Account to. In the meanwhile, both he and the Duke, being Penitents profess'd, it sounds not well that this Recorder should now be the Trumpet of their Praises; For, we would fain believe they are real, and mean to give him no more the like occasion by Parliament-petting; nor to count him in the number of their Friends hereafter.

Whoever he was that published the *Debates and Arguments* that had been delivered in the House of Peers formerly for Dissolving the Parliament, will find it confessed in that print, that it was a partial Design, having been boasted by the Designers, That they had a Party of Members in the Commons House, whose business it was to second the Dissolving Lords, by carrying the Differences in both Houses to the greatest height, that by this means they might be rid of this Parliament by Dissolution: which is a new way of Blowing up a Parliament, that calls aloud for Repentance; and God grant that in our days, neither the same, nor the like Tricks of State, may be brought upon the Stage any more.

When this would not do, then for my Lord of *Shaftsbury*, and the rest that join'd with him in Argument, to argue from the *Fifteen Month* *Prerogative* of the Parliament, that it was consequentially *Disputed* and *Null*, was such a *Trick* to be brought in among wise men, as never was seen in any Age, nor could have been seen in any but in this Age of Wonders, and wondrous boldness with Kings. — The vanity of it was sufficiently refuted by many Noble Lords in the House, and afterwards in Print, by a private hand, where the whole Design and Drift of it was explained to the People.

But that which is worth all, is his Lordships own *Repentance*; for, when he was of so clear a *Wit*, that when the angry Clouds of *Faction*, and Heats of *Dispute* should be over, his piercing Judgment would quickly see that he had been out of the way; and that seeing the *Tower* agreed not with his Constitution (as was acknowledged in his *Petition to the House*) it was his best way to return to the *Bar*, and there to submit, and beg Mercy of His Majesty and the *Right Honourable House*, and from that most Noble Theatre Preach *Repentance* to all that had been perverted by his Doctrine and Example. Which he having done, what remains, but that he may spend the rest of his days with the Blessing of a *Convert*, the Comfort of a good *Conscience*, and in contemplating also the many *Pardons* which from time to time our most Gracious King hath bestowed upon him?

**F I N I S**